



Pennsylvania Department of Environmental Protection

Lee Park, Suite 6010
555 North Lane
Conshohocken, PA 19428
July 1, 1996

139947

Southeast Regional Office

610-832-5949
Fax 610-832-6143

Mr. Eugene Dennis (3HW24)
U.S. EPA, Region III
Central Penn Section
841 Chestnut Street
Philadelphia, PA 19107

Re: Tyson/OU#1 ROD Amendment

Dear Mr. Dennis:

The Department has completed its review of the Draft ROD Amendment for Operable Unit #1 at the Tyson NPL Site. The following general comments are provided:

- 1.) Page 2; **Reasons for Issuing the ROD**, 1st paragraph: The first sentence refers to the 1988 ROD that is being addressed by this amendment. The 1988 ROD is actually the 1st amendment to the 1984 ROD, which makes this the 2nd amendment. An explanation to this end should appear in the ROD, possibly via an expansion of the sentences in the beginning of the 2nd paragraph of the "Introduction" section.
- 2.) Within the same paragraph as above, the second sentence should include the name of the 4 indicator compounds, as well as a statement of the current levels of these four indicator compounds, with a reference to the Focused Feasibility Study.
- 3.) Page 9; **Compliance with ARARs**, 3rd paragraph: The "Table XX" referenced here should be included in the ROD.

Finally, while the Department agrees with the technical approach selected by the EPA in this second Amendment to the 1984 ROD, this amended ROD fails to recognize the Pennsylvania Land Recycling and Environmental Remediation Standards Act (Act 2), Act of May 19, 1995, P.L. 4, No. 2, 35 P.S. § 6026.101 et seq., as an ARAR for remedial action sites in the Commonwealth. (See Section 106 (A) of Act 2.)

Under Act 2, remedial response actions under CERCLA must comply with one of the remediation standards established in Chapter 3 of the Act for contaminated media addressed by the response action. In this case, the remedy selected in this amended ROD will not satisfy either the background standard set forth in Section 302 of Act 2 or the statewide health standards set forth in



Section 303 of Act 2 for soils. Consequently, the response action must comply with the substantive provisions of Section 304 of the Act relating to site-specific standards.

The Department has yet to promulgate regulations for the implementation and administration of Act 2, including substantive regulations relating to remedies which propose to attain site-specific standards. However, the Department has reviewed the November 1994 Focused Feasibility Study (FFS) for the Tyson Site, which includes a comprehensive Risk Assessment of each evaluated alternative, in addition to other materials prepared by Ciba-Geigy relating to the wet soil cover and has determined that the remedy satisfies the requirements of Section 304 of Act 2.

Specifically, the Department has determined that the wet soil cover and supplementary institutional controls will eliminate all exposure pathways for direct contact and air and surface water emissions or discharges. In addition, the existing ground water remedy, as put forth in the September 1988 ROD and further developed in the 1990 ROD, along with proposed associated institutional controls, will eliminate ground water pathways associated with the soil contamination. Consequently, the selected remedy satisfies the substantive provisions of Section 304 (f) of the Act.

Lastly, the Department has determined that this amended ROD , for Operable Unit #1 at the Tyson Site, properly takes into consideration the remedy evaluation factors set forth in Section 304 (j) of Act 2 , in its analysis of alternatives, under the NCP.

Please be advised that the Department's determination that the remedy selected in this amended ROD satisfies the substantive requirements of Section 304 of Act 2 is subject to the proven effectiveness and proper maintenance of the remedy in the field. The aforementioned Departmental determination is equally subject to the proper maintenance of the institutional and engineering controls set forth in the ROD amendment and in the effectiveness of the ground water remedy selected in the September 1988 ROD and further developed in the 1990 ROD, as mentioned earlier, along with its institutional controls and those likely to follow. The Department further reserves the right to re-evaluate this ROD amendment and the selected remedy following final promulgation of the implementation regulations for Act 2 in the spring of 1997.

AR316446

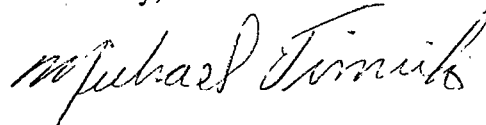
Mr. Eugene Dennis

- 3 -

July 1, 1996

Should you have any questions concerning this matter, please feel free to call me at (610)832-6202.

Sincerely,



Michael Timcik
Project Officer
Environmental Cleanup

cc: Mr. Becker
Mr. Olewiler
Mr. Beitler
Mr. Danyliw
Mr. Zang
Mr. McClain
Ms. Hatoff
Mr. Hartzell
Ms. Tremont
Re 30 (SMC)183-5

AR316447